

TN RE: PETITION FOR VARIANCE	* BEFORE THE
NE/Corner Joppa Road & Falls Road	
(2339 W. Joppa Road)	* ZONING COMMISSIONER
8th Election District	
3rd Councilmanic District	* OF BALTIMORE COUNTY
Donald E. Grempler, et ux	* Case No. 95-387-A
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This most unusual case comes before the Zoning Commissioner as a Petition for Variance for that property known as 2339 West Joppa Road, located in the vicinity of the Jones Falls Expressway and Falls Road interchange, just south of Greenspring Valley Road in Lutherville. The Petition was filed by the owners of the property, Donald E. and Mary Bell Grempler. The Petitioners seek relief from Section 259.3.C.2(a) and (b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 8 feet and a side yard setback of 4 feet in lieu of the required 15 feet for each, and from Section 259.3.C.3(a) and (b) to permit the proposed use without the additional landscaping required for the setback areas and parking lot for a proposed temporary snowball stand. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Mary Bell Grempler, property owner, James Patton, Professional Engineer who prepared the site plan for this property, and G. Scott Barhight, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Stuart A. Feldman and M. W. Feldman, proprietors of the Windy Valley LLC, a nearby restaurant, and Thomas Slaughter, who appeared on behalf of several of

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Date 6/15/95

By [Signature]

the adjacent businesses in the Greenspring Office Park. Mr. Slaughter's interests were represented by Patricia A. Malone, Esquire.

The instant case relates to the proposed use of the subject property for a temporary snowball stand. The history of this property is unique and impacts the requested variances and limited possible uses for the site. The property is a small tract, consisting of approximately .078 acres in area, zoned B.L.-C.R., and is located on the north side of Joppa Road, east of the Jones Falls Expressway (JFX) (I-83) and Falls Road interchange, where I-83 terminates and becomes Falls Road (Maryland Route 25).

As noted above, the history of this parcel and its creation are unique. The site lies immediately north and adjacent to Joppa Road, and east of JFX/Falls Road. To the north, the site abuts another lot which has been developed with an Exxon service station. Apparently, at one time Joppa Road intersected the JFX/Falls Road at a location different from the present intersection. As Falls Road proceeded in a westerly direction from Towson, it curved immediately prior to JFX/Falls Road and ran roughly parallel for several hundred feet. The road then turned westward and intersected Falls Road at a point just south of Greenspring Valley Road. This intersection was quite difficult and no doubt had limited sight distance. In order to improve this intersection, the Maryland State Highway Administration (SHA) reconfigured Joppa Road. Rather than bending to the north immediately prior to JFX/Falls Road, the subject property was bisected and a cross (+) intersection was developed. As the site plan and a field inspection of the location clearly shows, Joppa Road now intersects Falls Road in a '+' configuration and has, in effect, bisected the subject property. To the south, the original lot remains viable and has been developed by the Grempler family with a two-story office building to sup-

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port their real estate company. The subject property remains to the north and, as noted above, is a small parcel which contains a small parking lot. On behalf of her family, Marci Grempler testified that the Petitioners wish to utilize the small lot for a snowball stand. Apparently, it is envisioned that children of the Grempler family will operate the snowball stand on a seasonal basis. An 8' x 12' structure is proposed to be located in the northeast corner of the lot and four (4) parking spaces will be provided. It is of note that eleven (11) parking spaces support the Grempler Office Building, a sufficient number under the B.C.Z.R.

The Petitioners come before me seeking variance relief from certain provisions of Section 259 of the B.C.Z.R. These provisions are applicable as a result of the C.R. district overlay of the property. That district mandates 15-foot side and rear yard setbacks. In view of the fact that the snowball stand is proposed to be located in the corner of the lot, an 8-foot front yard and a 4-foot side yard will be maintained. Moreover, relief is requested so as to delete the requirement that landscaping within the setback areas be provided.

The proposed snowball stand will operate from approximately 11:00 AM to 9:00 PM on weekdays and 11:00 AM to 10:00 PM on weekends. Parking will be provided along the old portion of Joppa Road as well as in the small parking lot on-site. A review of the site plan and a field inspection of the property are clearly persuasive that the requested variances for this site are appropriate and warranted. To require the Petitioners to site the building in the middle of the lot would decrease the number of parking spaces provided and is both illogical and impractical. A more sound site design approach is as the Petitioners have proposed. That is, the snowball stand will be located in the corner of the property to pre-

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By [Signature]

serve as much parking as possible and permit a reasonable traffic and pedestrian flow. Moreover, in view of the characteristics of the proposed business and its seasonal nature, a variance from the landscaping requirements is also warranted.

The Protestants who appeared, including the proprietors of the nearby Windy Valley restaurant and management of the nearby Greenspring Office Buildings, seemingly support the technical aspects of the variances requested. They are deeply troubled, however, over the potential traffic impact caused by the proposed use. Specifically, they fear increased traffic congestion. As is well known to this Zoning Commissioner, the Falls Road/Joppa Road intersection can be extremely congested, particularly during peak commuter rush hour. Any additional use in the vicinity which generates traffic will make a difficult situation worse. The Protestants feel that development of the site as proposed could be dangerous to potential customers and will create additional traffic congestion.

These concerns are well taken; however, they clearly show that the variance is not the real issue, but the use proposed. A denial of the variance, while allowing the use, would only aggravate traffic and parking congestion in the area in that it would eliminate needed parking spaces on site.

In accepting the Petition for filing, the Office of Zoning Administration and Development Management (ZADM) apparently opined that the snowball stand was a permitted use as of right in the B.L.-C.R. zone. Moreover, pursuant to the parking regulations contained in Section 409.6 of the B.C.Z.R., ZADM calculated that only one (1) space need be provided. This calculation was based on the regulations which mandate the number of

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spaces per square footage of the proposed improvements. In that the snowball stand is quite small, only one (1) space is required.

The essential question is "What identifiable use is this snowball stand under the B.C.Z.R?" As I pointed out during the hearing, the B.C.Z.R. are written in the inclusive. That is, in order for a use to be permitted in a given zone, it must be identified and listed within those uses permitted as of right or by special exception in the B.C.Z.R. If the proposed use is not among those uses so designated, it is prohibited. See Kowalski v. Lamar, 75 Md. App. 403 (1975).

A review of those uses listed in Section 230 of the B.C.Z.R. (B.L. zones) discloses that a snowball stand is not identified. However, other defined uses which may be applicable to this business are identified. It is of note that fast food, drive thru, carry-out, and standard restaurants are all allowed in the B.L. zone. Moreover, those uses are all defined in Section 101 of the B.C.Z.R. However, as was noted at the hearing, the parking regulations mandate that a minimum of ten (10) parking spots be provided for any restaurant. Thus, if the snowball stand is considered a restaurant, the Petitioners would need a parking variance for this lot in that only four (4) spaces are provided. In view of traffic congestion in the area, such a parking variance does not appear to be warranted. Of the restaurant definitions in Section 101, a fast food restaurant appears to be the closest fit. That term is defined as "An establishment whose principal business is to sell ready to consume food and beverages in disposable containers and which is not a drive-in restaurant." Moreover, the definition indicates that fast food restaurants contain some of the following characteristics; to wit, that pre-packaged, frozen, chilled or sealed food and meals are cooked in advance for immedi-

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By

ate sale; that food and beverages are ordered over the counter, or by motorists from their vehicles; and, that food and beverages are consumed on the premises or within patrons' motor vehicles.

Although this definition arguably contains elements of a snowball stand operation, I do not believe that a snowball stand can be considered a fast food restaurant. It is to be noted that the definition contains the conjunctive word "and" throughout. Specifically, a fast food restaurant apparently provides food and beverages. Essentially, a fast food restaurant provides a meal, both food and drink, as opposed to the single item marketing of a snowball stand.

If the snowball stand is not a fast food restaurant, however, what is it? The B.L. zone does allow a "food store" as a permitted use by right. Unfortunately, the term "food store" is not defined in Section 101 of the B.C.Z.R. In such event, the regulations direct the reader to consult Webster's Third New International Dictionary, Unabridged to determine the meaning of the phrase used therein. "Food store" as a single term is also not defined in Webster's. "Food", however, is generally defined as "any material that is taken or absorbed into the body to sustain vital processes and to furnish energy." A "store" is defined as a business establishment where goods are kept for retail sale.

Within this broad definition, it is apparent that a snowball stand must be considered a food store. Although one might argue the nutritional value of snowballs, they are a food, and the place from which they are sold is, in fact, a store. Thus, I must conclude that the snowball stand is a permitted use in the B.L. zone, within the food store definition.

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Date

By

Having made such a determination, consideration of the subject variances is required. As noted above, the variances are entirely warranted and appropriate. The Petitioners have satisfied the requirements mandated within Section 307 of the B.C.Z.R. The small area of the lot as well as its unusual configuration presents unique characteristics which satisfy the practical difficulty test. Moreover, the variance relief itself is consistent with the spirit and intent of the B.C.Z.R. and will not adversely impact the surrounding locale.

It is particularly worth noting that Section 307 of the B.C.Z.R., which provides the standards under which variances are to be considered, requires the Zoning Commissioner to determine whether the grant of the relief would be without injury to the public health, safety or general welfare. That is, my consideration in this case is not whether the operation of the snowball stand would be detrimental to the surrounding locale, but whether a grant of the variance relief sought would be detrimental. I am deeply concerned over potential traffic congestion in this area and the operation of this snowball stand. However, for reasons set forth above, such use is permitted as of right. The variance relief, on the other hand, is entirely appropriate and, in fact, a denial of same would only contribute to traffic and parking congestion.

For these reasons, I decline to impose any conditions on the granting of the variance relief. The Office of Planning and Zoning has made certain recommendations to monitor and lessen the anticipated traffic impacts. Although a neutral comment on the variances was received from the SHA, I have no doubt that they are concerned over this crowded intersection as well. Notwithstanding these concerns, the imposition of restrictions is not warranted or appropriate. The imposition of a restric-

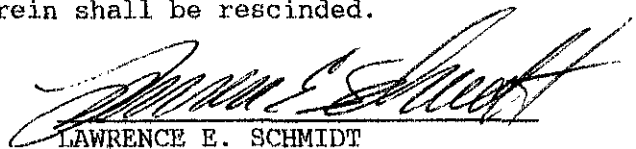
ORDER RECEIVED FOR FILING
Date 6/15/85
By [Signature]

tion must have some reasonable nexus to the variance relief. Again, the issues of concern, both from the Office of Planning and Zoning, and surrounding neighbors, relates to the use as opposed to the variance relief sought. Thus, the Petition for Zoning Variance should be granted and I shall so Order.

Pursuant to the advertisement, posting of the property, and public hearing on the Petition held, and for the reasons set forth above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of June, 1995 that the Petition for Variance seeking relief from Section 259.3.C.2(a) and (b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 8 feet and a side yard setback of 4 feet in lieu of the required 15 feet for each, and from Section 259.3.C.3(a) and (b) to permit the proposed use of the property as a temporary snowball stand, without the additional landscaping required for the setback areas and parking lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 6/15/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 15, 1995

(410) 887-4386

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/Corner Joppa Road & Falls Road
(2339 W. Joppa Road)
8th Election District - 3rd Councilmanic District
Donald E. Grempler, et ux - Petitioners
Case No. 95-387-A

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Donald E. Grempler
2333 W. Joppa Road at Falls Road, Lutherville, Md. 21093

Messrs. Stuart A. Feldman and M. W. Feldman
Windy Valley LLC, 2350 W. Joppa Road, Lutherville, Md. 21093

Patricia A. Malone, Esquire, 210 Allegheny Avenue, Towson, Md. 21204

Mr. Thomas Slaughter, 2330 W. Joppa Road, #210, Lutherville, Md. 21093

People's Counsel; File ✓



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Petition for Variance

95-387-A

to the Zoning Commissioner of Baltimore County

for the property located at

2339 West Joppa Road
North East Corner of Joppa and Falls Roads

which is presently zoned BL-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

259.3.C.2.a to permit a front yard setback of 8 ft. in lieu of the required 15 ft. and from Section 259.3.C.2.b to permit a side yard setback of 4 ft. in lieu of the required 15 ft., and from Section 259.3.C.3.a and b to permit the proposed use without the additional landscaping requirements for the setback areas and parking lot. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The use of the property is for a temporary snow ball stand (seasonal) which will not be placed on a permanent foundation.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

(Type or Print Name)

Signature

210 W. Pennsylvania Ave, 4th Floor
Towson, MD 21204 832-2050

Address

Phone No.

City

State

Zipcode

Printed with Soybean Ink
on Recycled Paper

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Donald E. Grempler

(Type or Print Name)

Signature

Mary Bell Grempler

(Type or Print Name)

Signature

2333 W. Joppa Rd. at Falls 825-6400

Address

Phone No.

Lutherville, MD 21093

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Marcy Grempler

825-6400

Name 2333 W. Joppa Rd. at Falls

Lutherville, MD 21093

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: MDK

DATE

4/25/95

ORDER RECEIVED FOR FILING

Date

By

PATTON

Patton
Consultants
Ltd.
Engineering
& Site
Planning

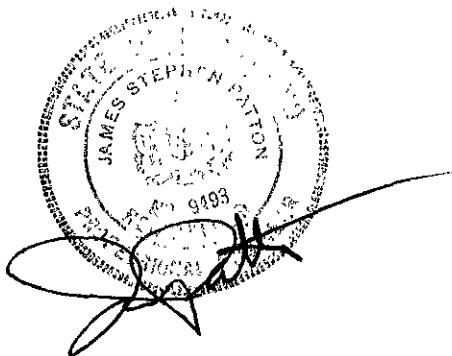
95-387-A

ZONING DESCRIPTION JOPPA ROAD PROPERTY

Beginning at a point on the north side of Joppa Road at the intersection of the gusset line formed by the right-of-way line of the Jones Falls Expressway with Joppa Road. Said point being 35 feet north from the centerline of Joppa Road and 130 feet east of the centerline of the Jones Falls Expressway. Thence the following courses and distances:

N 50° 08' 41" W - 70' ±
N 70° 07' 32" E - 63.25'
S 34° 49' 30" E - 64.32'
S 61° 26' 34" W - 32' ±
N 83° 14' 05" W - 14' ±

To the place of beginning. Containing 0.078 Acres ±.



381

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-387-A

District: 8th Date of Posting: 5/13/95
Posted for: Variance
Petitioner: Ronald & Mary Green
Location of property: 2339 W. Loppa Rd., NE/cor. Falls Rd
Location of Signs: Facing roadway, on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 5/19/95
Number of Signs: 1



RECEIVED
BALTIMORE COUNTY

95 JUL 28 AM 10:14

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-387-A

District D-11

Date of Posting 7/21/95

Posted for: Appeal

Petitioner: Donald E Grempel

Location of property: 2339 W. Lappa Rd., NEPS

Location of Signs: Facing roadway, on property being appealed & for zoning

Remarks: _____

Posted by M. J. Hardy Date of return: 7/28/95
Signature

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-387-A (Item 381)
2339 W. Joppa Road
NEC Joppa Road
and Falls Road
8th Election District
3rd Councilmanic
Legal Owner(s):

Donald E. Grempler
and Mary Bell Grempler
HEARING: MONDAY
JUNE 8, 1995 at 5:00 p.m.
in Rm. 118, Old
Courthouse

Variance: to permit a front yard setback of 5 feet in lieu of the required 15 feet; to permit a side yard setback of 4 feet in lieu of the required 15 feet; and to permit the proposed use without the additional landscaping requirements for the setback areas and parking lot.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible for special accommodations. Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

5/19 May 11.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

May 12, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 4, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

~~Ref: 11/1/95~~

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

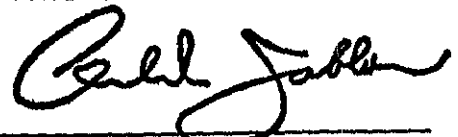
Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 381

Petitioner: Grempler, Donald E.

Location: Northeast corner of Joppa and Falls Roads (2337 W. Joppa Rd)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Donald E. Grempler

ADDRESS: 2337 W. Joppa Rd at Falls
Lutherville, MD 21093

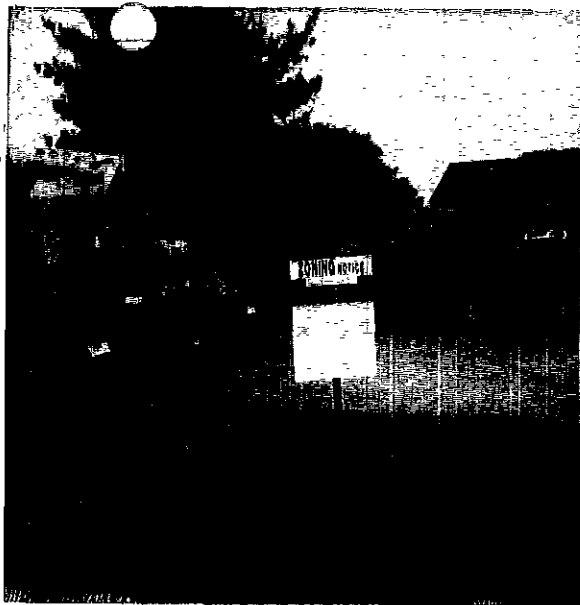
PHONE NUMBER: 825-6408

381

5/17/95

Sign posted in wrong location
re-posted on 5/17/95

Mitch



5/17/95
correct location



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-387-A

Account: R-001-6150

Number

Date 4/25/85

Taken In By [Signature]
Item 381

Gravel, Downed - Northeast corner
of Jappa + Falls Road

020 - Comm. Gravel - \$ 250.00

080 - 1 sign post - \$ 35.00

\$ 285.00

03A03W0114ACCRCC

1285.00

BA 0003:JBPNO4-25-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

158725

DATE 7/5/95 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Windy Valley LLC

FOR: Appeal Case No. 95-387-A
Donald E. Grempler

03A0340242410000

210.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 7, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-387-A

DONALD E. GREMLER, ET UX
NE/corner Joppa Road & Falls Road (2339 W.
Joppa Road)
8th Election District
3rd Councilmanic District

VAR -Front yard setback 8'; side yard setback
4' in lieu of 15'; to permit snowball stand
without landscaping for setback areas and
parking lot for temporary stand.

6/15/95 -Z.C.'s Order in which Petition for
Variances is GRANTED.

ASSIGNED FOR: WEDNESDAY, NOVEMBER 22, 1995 at 10:00 a.m.

cc: G. Scott Barhight, Esquire Counsel for Petitioners
Mr. & Mrs. Donald E. Gremler Petitioners

Morton W. Feldman and Windy Valley, LLC Appellants /Protestants

Mr. Thomas Slaughter Protestant
Patricia A. Malone, Esquire

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 4, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-387-A (Item 381)
2339 W. Joppa Road
NEC Joppa Road and Falls Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Donald E. Grempler and Mary Bell Grempler
HEARING: MONDAY, JUNE 5, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to permit a front yard setback of 8 feet in lieu of the required 15 feet; to permit a side yard setback of 4 feet in lieu of the required 15 feet; and to permit the proposed use without the additional landscaping requirements for the setback areas and parking lot.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Donald, Mary Bell and Marcy Grempler
G. Scott Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PUTUXENT PUBLISHING COMPANY
May 11, 1995 Issue - Jeffersonian

Please forward billing to:

Donald E. Grempler
2333 W. Joppa Road
Lutherville, MD 21093
825-6408

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Variance to permit a front yard setback of 8 feet in lieu of the required 15 feet; to permit a side yard setback of 4 feet in lieu of the required 15 feet; and to permit the proposed use without the additional landscaping requirements for the setback areas and parking lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Case No. 95-387-A

DONALD E. GREMPER, ET UX

NE/c Joppa Road & Falls Road
(2339 W. Joppa Road)

8th Election District Appealed: 6/28/95

IN THE MATTER OF
THE APPLICATION OF
DONALD E. GREMLER, ET UX
FOR VARIANCES ON PROPERTY
LOCATED ON THE NORTHEAST
CORNER JOPPA ROAD AND FALLS
ROAD (2339 WEST JOPPA ROAD)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-387-A

* * * * *

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner dated June 15, 1995, granting variances permitting a front yard setback of 8 feet and a side yard setback of 4 feet in lieu of the required 15 feet for each, and permitting the proposed use, a temporary snowball stand, without the additional landscaping required for the setback areas and parking lot.

The Petitioners, Donald E. and Mary Bell Gremler, were represented by G. Scott Barhight, Esquire. Appearing as Protestants in the matter were Stuart A. Feldman and Morton W. Feldman, proprietors of Windy Valley LLC, a nearby restaurant. The Petitioner's sole witness was James S. Patton, a professional engineer who prepared the site plan for this property (Petitioner's Exhibit 1). Mr. Patton was accepted as an expert witness in the fields of civil engineering, land planning, and planning and zoning in Baltimore County. The Protestants called as their only witness the Petitioner, Mrs. Gremler.

Based on the testimony and the evidence presented as exhibits, the Board finds the following facts. The subject property, consisting of .078 acres, is zoned B.L.-C.R. and is located on the north side of Joppa Road, east of the Jones Falls Expressway (I-83) and Falls Road interchange, where I-83 terminates and becomes Falls Road.

When the Jones Falls Expressway was extended years ago, a parcel of ground was split, creating the subject parcel to the north of Joppa Road and a parcel to the south, both owned by the Petitioners. The parcel to the south contains a two-story office building used by the Petitioners for their family real estate business. It has 11 parking spaces, which is a sufficient number as required by the Baltimore County Zoning Regulations. The parcel to the north is located south of a separate

lot containing an Exxon station. As a small residual parcel, the subject property has limited buildability. It has been made available for overflow parking for real estate office clients; however, Mrs. Grempler testified that they have not crossed the street to park there.

After the requested variances were granted by the Zoning Commissioner, the Petitioners operated an 8 ft.-by-10 ft. snowball stand in the location shown on Petitioner's Exhibit 1. Based on the square footage of the stand, the Petitioners were required to provide one parking space; however, they provided four. The operation is currently closed for the season.

Mr. Patton testified that placing the snowball stand in the center of the site, where it would be permitted without setback variances, would result in the loss of parking spaces, create confusion as to how traffic is to circulate on the site, and also create visibility problems. He testified that the Petitioners are requesting a variance from the landscaping required for the setback areas because to create any type of landscaping would cause problems with sight distance. Mr. Patton testified that the proposed location is safer for pedestrians and vehicles than the location that is permitted as a matter of right.

Protestants elicited testimony from Mrs. Grempler that she was selling food items other than snowballs at the snowball stand. They argued that because she is selling these other items, the subject property would require more parking spaces.

However, the Board finds that the operation of a snowball stand falls under the definition of a food store, which use is permitted as a matter of right in a B.L.-C.R. zone. The Board also finds that the fact that food items other than snowballs have been sold at the subject property does not change the use of the property from that of a food store, and moreover is irrelevant to the issue before this Board, which is whether to grant the requested setback and landscaping variances.

The granting of variances is governed by Section 307.1 of the Baltimore County Zoning Regulations, which provides, in relevant part, that variances may be granted

only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance . . . would result in practical difficulty or unreasonable hardship.

The Court of Special Appeals, in Cromwell v. Ward, 102 Md. App. 691 (1995), has construed this regulation to mean that obtaining a variance is basically a two-step process: the first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship.

The Petitioners presented convincing and unrefuted testimony and evidence to show that the subject property, an odd-shaped parcel of only .078 acres created by the splitting of a property due to a highway extension, is indeed unique and different from other properties in the area, and the setback and landscaping requirements would impact disproportionately upon it.

The Petitioners then presented unrefuted testimony and evidence showing that, while they could place and operate the snowball stand in the center of the property without the variances, doing so would cause practical difficulty by reducing the number of parking spaces and creating visibility problems for pedestrians and drivers; in fact, granting the variances would create a safer environment for both.

This Board finds, therefore, that the Petitioners have met the requirements of Section 307.1 and will grant the Petition for Variance.

ORDER

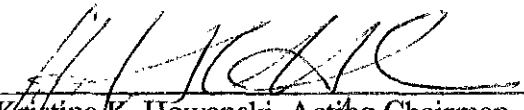
IT IS THEREFORE this 14th day of December, 1995 by the County Board of Appeals of Baltimore County,

ORDERED that the Petition for Variance seeking relief from Section 259.3.C.2 (a) and (b) of the Baltimore County Zoning Regulations to permit a front yard setback of 8 feet and a side yard setback of 4 feet in lieu of the required 15 feet for each, and from Section 259.3.C.3 (a) and (b) to permit the proposed use of the property as a temporary snowball stand, without the

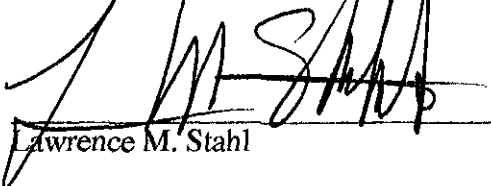
additional landscaping required for the setback areas and parking lot be and is hereby
GRANTED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

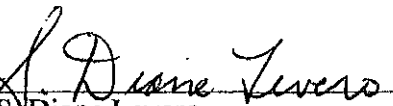
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski, Acting Chairman



Lawrence M. Stahl



S. Diane Levero



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 14, 1995

Mr. Stuart Feldman
Windy Valley LLC
2350 W. Joppa Road
Lutherville, MD 21093

RE: Case No. 95-387-A
Donald E. Grempier, et ux

Dear Mr. Feldman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrative Assistant

Enclosure

cc: G. Scott Barhight, Esquire
Mr. & Mrs. Donald E. Grempier
Mr. Thomas Slaughter
Patricia A. Malone, Esquire
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 1, 1995

G. Scott Barhight
210 W. Pennsylvania Ave., 4th Floor
Towson, Maryland 21204

RE: Item No.: 381
Case No.: 95-387-A
Petitioner: D. E. Grempler, et al

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)




BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: May 25, 1995

FROM: Pat Keller, Director, OPZ 

SUBJECT: 2339 W. Joppa Road

INFORMATION:

Item Number: 381

Petitioner: Donald E. Grempler

Property Size: _____

Zoning: BL-CR

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The property in question, 2339 W. Joppa Road is a very significant and prominent location at the northeast corner of Joppa Road and Falls Road. The 8'X12' temporary snowball stand is proposed on a portion of the Grempler office building's overflow parking lot. Access to the parking lot is via a service drive that is used by the Exxon Service Station and Windy's. Traffic congestion is significant at the intersection of Falls Road and Joppa Road, particularly at peak hours. This is largely due to commuter patterns involving the Jones Falls Expressway, Joppa Road, Falls Road and Greenspring Valley Road.

An architectural drawing showing an attractive white frame building with green shutters has been submitted.

This office recommends the granting of the proposed variances for a trial period for the summer of 1995, from June 1995 through September 1995, with the following conditions:

1. The Bureau of Highways and Traffic Engineering (BHTE) should monitor traffic patterns in the vicinity of the snowball stand periodically throughout the course of the summer of 1995. If the snowball stand does not cause an undue impact upon traffic congestion then the variances could be made permanent, upon receipt of a statement from BHTE.
2. Architecture should be in keeping with the architectural drawings submitted.
3. No free-standing signs should be permitted.

Prepared by: Jeffrey M. Long

Division Chief: Carol L. Kern

PK/JL: lw

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 22, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
[Signature] Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 15, 1995
Items 378, 379, 381, 384, and 390.

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/16/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/8/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 378
379
380
381
382
385
386
389
391
④

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-9-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 381 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 5, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
4th Floor
Towson, MD 21204

RE: Petition for Variance
NE/Corner Joppa Road and
Falls Road
(2339 W. Joppa Road)
8th Election District
3rd Councilmanic District
Donald E. Grempler, et ux
Case No. 95-387-A

Dear Mr. Barhight:

Please be advised that an appeal of the above-referenced case was filed in this office on June 28, 1995 by Morton W. Feldman and Windy Valley, LLC. All material relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie A. Winiarski at 887-3353.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:jaw

cc: Mr. and Mrs. Donald E. Grempler
Ms. Patricia A. Malone, Esquire
Mr. Thomas Slaughter
People's Counsel



APPEAL

Petition for Variance
NE/Corner Joppa Road & Falls Road
(2339 W. Joppa Road)
8th Election District, 3rd Councilmanic District
Donald E. Grempler, et ux - Petitioner
Case No. 95-387-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plan to Accompany Variance Petition

2 - Six Photographs

Seven Photographs (not marked as exhibits)

One letter to Arnold Jablon from Marci Grempler dated April 27, 1995

Zoning Commissioner's Order dated June 15, 1995 (Granted)

Notice of Appeal received on June 28, 1995 from Morton W. Feldman and Windy Valley LLC

cc: G. Scott Barhight, Esquire, Whiteford, Taylor and Preston, 210 West Pennsylvania Avenue, 4th Floor, Towson, MD 21204

Mr. and Mrs. Donald E. Grempler, 2333 W. Joppa Road, Lutherville, MD 21093

Mr. Morton W. Feldman, Windy Valley LLC, 2350 W. Joppa Road, Lutherville, MD 21093

Ms. Patricia A. Malone, Esquire, 210 Allegheny Avenue, Towson, MD 21204

Mr. Thomas Slaughter, 2330 W. Joppa Road, Suite 210, Lutherville, MD 21093

People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director of Planning

Lawrence E. Schmidt, Zoning Commissioner

Arnold Jablon, Director of Permits and Development Management

8/07/95 -Notice of Assignment for hearing scheduled for Wednesday,
November 22, 1995 at 10:00 a.m. sent to following:

G. Scott Barhight, Esquire
Mr. & Mrs. Donald E. Grempler
Morton W. Feldman and Windy
Valley, LLC
Mr. Thomas Slaughter
Patricia A. Malone, Esquire
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

11/22/95 -Matter concluded. Board deliberated at conclusion of hearing;
Petition to be granted; Order to be issued. Appellate period to
run from date of that written Order.

PETITION PROBLEMS

AGENDA OF MAY 8, 1995

#380 --- JCM

1. Need typed or printed name of person signing for legal owner.
2. Need attorney (company is incorporated).
3. No existing zoning on folder.
4. No area on folder.
5. No election district on folder.
6. No councilmanic district on folder.

#381 --- MJK

1. No signature on petition forms for Donald E. Grempler (legal owner).

#382 --- JLL

1. Need attorney (company is incorporated).

#383 --- JLL

1. No item number on petition forms

#384 --- JCM

1. Who is legal owner?? William McMillan, Jr. is trustee for who?
2. Need authorization for Mr. McMillan to sign for legal owner.

#385 --- CAM

1. No telephone number for legal owner.

#386 --- CAM

1. Need authorization for Margaret Ruggieri to sign for contract purchaser.

#387 --- RT

1. No telephone number for legal owner.

#489 --- JJS

1. Need typed or printed name of person signing for legal owner.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: DONALD E. GREMPER, ET UX -Petitioners
Case No. 95-387-A

DATE : November 22, 1995 /at conclusion of hearing

BOARD /PANEL : Kristine K. Howanski (KKH)
Lawrence M. Stahl (LMS)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Bianco
Administrative Assistant

Those present at this deliberation included G. Scott Barhight, Esquire, on behalf of Petitioner; and Mr. Stuart Feldman, Appellant /Protestant.

KKH: We are here to deliberation Case No. 95-387-A, Donald E. Grempier, et ux, again regarding the property at the northeast corner of Joppa Road and Falls Road. Petitioner seeking relief from Section 259.3.C.2, subsections (a) and (b) of the Baltimore County Zoning Regulations, to permit a front yard setback of 8 feet and a side yard setback of 4 feet in lieu of the required 15 feet for each side, as well as from the landscaping requirements found in Section 259.3.C.3, subsections (a) and (b). We are here, as I said, to deliberate the matter. The statute requires that we publicly deliberate this. I will ask one of you to go first --

SDL: The Court of Special Appeals has interpreted Section 307 which stipulates the requirements for granting of a variance as basically a two step process. First step - showing that the subject property has inherent characteristics not shared by other properties, such as shape, topography, etc., such that the setback requirement's impact on the subject property would be different than on other properties. Mr. Patnode testified to uniqueness in that it is a small rectangular parcel; limited buildability; splitting of original ground by the Jones Falls Expressway.

The second requirement -- strict compliance with the BCZR would result in practical difficulty or unreasonable hardship. Mr. Patnode testified that setback and landscaping requirements would create access problems and sight distance problems. Mr. Patnode's testimony as to uniqueness and practical difficulty and strict compliance was unrefuted; testimony was convincing. Would grant variances.

LMS: I agree with Diane. Let me say that if you were to try to find a definition of unique situation of shape of property when the property results from an action of condemnation by the State, were pressed to find much more unique way for property to be placed than a section like this. I find that variances, my attitude is that they are fine-tuning requests; makes sense when looking at a piece of property when someone can use the property but must make adjustment necessary. We have that kind of situation here. Strict compliance with the BCZR would allow to function but would, in fact, be detrimental to the public if use permitted did occur. I look upon the action of the owners of the property as being one that speaks well for their intentions to certainly serve the purposes of their own business, but also to carry out responsibilities as property owner to those who will traverse the property or use the roads around the property.

I frankly do not see a difference between cold water in a cup and spoon or hot water in cup with a spoon. The Zoning Commissioner went through a lot of different definitions; I agree essentially with his view of it and find that the nature of things being described -- I think it meets qualifications for food store which is allowed, as a snowball stand. I don't believe it makes much difference. I would agree.

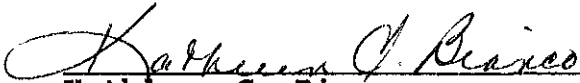
KKH: I'm going to concur. We are not here to consider whether or not this is a permitted use or special hearing for permission to operate. Stand is all items described; would fit under Commissioner's Schmidt's definitions of use; material taken or absorbed into the body, etc. While each one might serve different vital process, may serve different purpose than snowballs - all still qualify as food, such as it is.

I was also persuaded by Mr. Patnode's testimony. I have to say that we don't typically have much of an opportunity to grant variances with Cromwell by definition because of its strict requirements that property itself have unique characteristics, as well as showing practical difficulty, and yet in this instance, I am persuaded that the property is actually unique as to its history, shape, size, situation. It's a bisected property; small property; in the middle of fair amount of traffic. Property is unique, and while site ostensibly as overflow parking for other parcel, it is not required to do so under regulations. I would further find satisfactory evidence of practical difficulty; I think that the variance in this instance would actually enhance the function of the site instead of doing anything detrimental.

Deliberation /Donald E. Grempler, et ux /95-387-A

Closing by KKH: Yet again, it looks like the variance would preserve parking, improve traffic flow and improve safety. We appear to be in concurrence that we are granting the variances. Will issue Opinion and Order shortly covering this very matter. You will have 30 days from which to take an appeal from that date, not today's date. You will wait until an Order is in place, and you will have 30 days to take an appeal from that. That concludes today.

Respectfully submitted,


Kathleen C. Bianco
Administrative Assistant

RE: PETITION FOR VARIANCE * BEFORE THE
2339 W. Joppa Road, NEC Joppa Road and * ZONING COMMISSIONER
Falls Road, 8th Election District, * OF BALTIMORE COUNTY
3rd Councilmanic *
Donald E. Grempler and Mary Bell Grempler * CASE NO. 95-387-A
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, 210 W. Pennsylvania Avenue, 4th Floor, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

WINDY VALLEY LLC

8617 Keller Avenue
Stevenson, MD 21153
410-484-5488 / fax 410-484-5291

June 28, 1995

*Mr. Arnold Jablon,
Director of Zoning
Baltimore County Government*


RE: PETITION FOR VARIANCE
NE/Corner Joppa Road & Falls Road
(2339 W. Joppa Road)
8th Election District - 3rd Councilmanic District
Case No. 95-387-A

Dear Mr. Jablon:

*Windy Valley LLC and Morton W. Feldman as Project Manager
wish to appeal the decision of Zoning Commissioner Lawrence E. Schmidt
for Baltimore County for the above referenced matter.*

Very truly yours,

WINDY VALLEY LLC


M. W. Feldman,
Project Manager

MWF/lme

RECEIVED

JUN 28 1995

ZADM

Dear Mr. Jablon;

File +
Copy - MJK ucr
4/28

4/7/95 1829-95
TO 8 wks
if granted, do what
we can

I have presently filed for a zoning variance hearing - item # 381 - pertaining to Margaret's Snowball stand on April 24, 1995.

I know the process could take up to 45 days before the result of the hearing would be public. In addition, if I am fortunate enough to be granted the variance I would then have to wait for the order - (2 weeks) and then the 30 day appeal period.

I am writing this letter on the basis that if I am fortunate enough to be granted the zoning variance; I would not be able to open the snowball stand until mid July or possibly later. As you know, snowball stands are so seasonal and therefore the children will not have the benefit of a long term commitment to working through the summer.

I am so grateful for all the help, guidance and knowledge that I have obtained throughout this entire process. I would appreciate your cooperation in facilitating this permit process. Thanks again for your understanding.

Sincerely,
Marcie Hempler "Margaret's"

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Marci Hemper
Jim PATTON

10810 Stevenson Rd Stevenson MD 21153
305 W. CHESAPEAKE AVE SUITE 118 21204



Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

STUART A. FELDMAN (WINDY)
M. W. FELDMAN } VALLEY LLC. LUTHERVILLE, MD. 21093

Patricia A. Malone

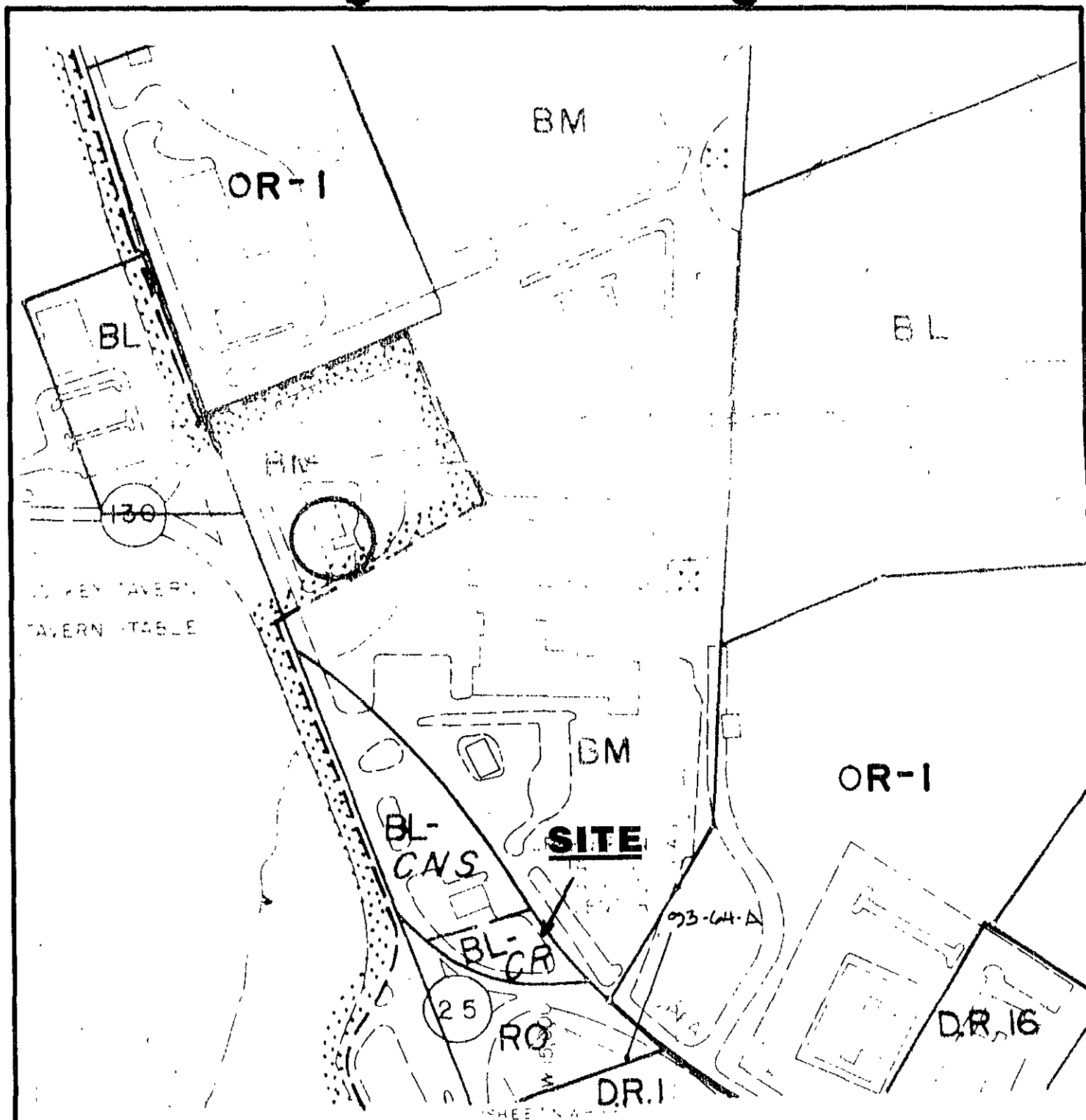
Thomas Stangler

Mary Jones

210 Alkemy Ave
Towson, MD 21204

2330 W. Joppa Rd. #200
Lutherville, MD. 21093





95-387-A

PATTON

Patton Consultants Ltd., Engineering & Site Planning
305 West Chesapeake Avenue, Suite 118
Towson, Maryland 21204
410-296-2140 Fax: 410-296-0419

PREHENSIVE ZONING MAP
the Baltimore County Council
Oct. 15, 1992

4-92, 185-92, 106-92, 107-92, 100-92, 109-92

Wm. L. Howard IV
man, County Council

SCALE

1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

BROOKLANDVILLE

SHEET

N. W.
12-C

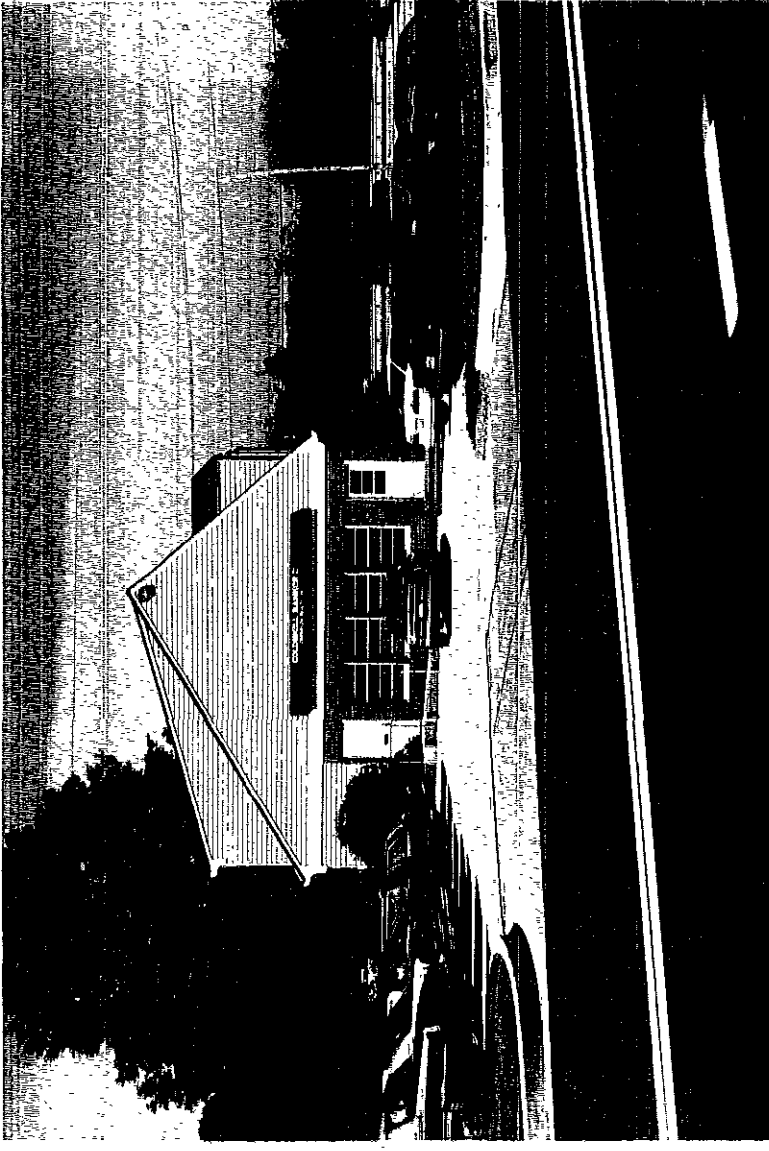
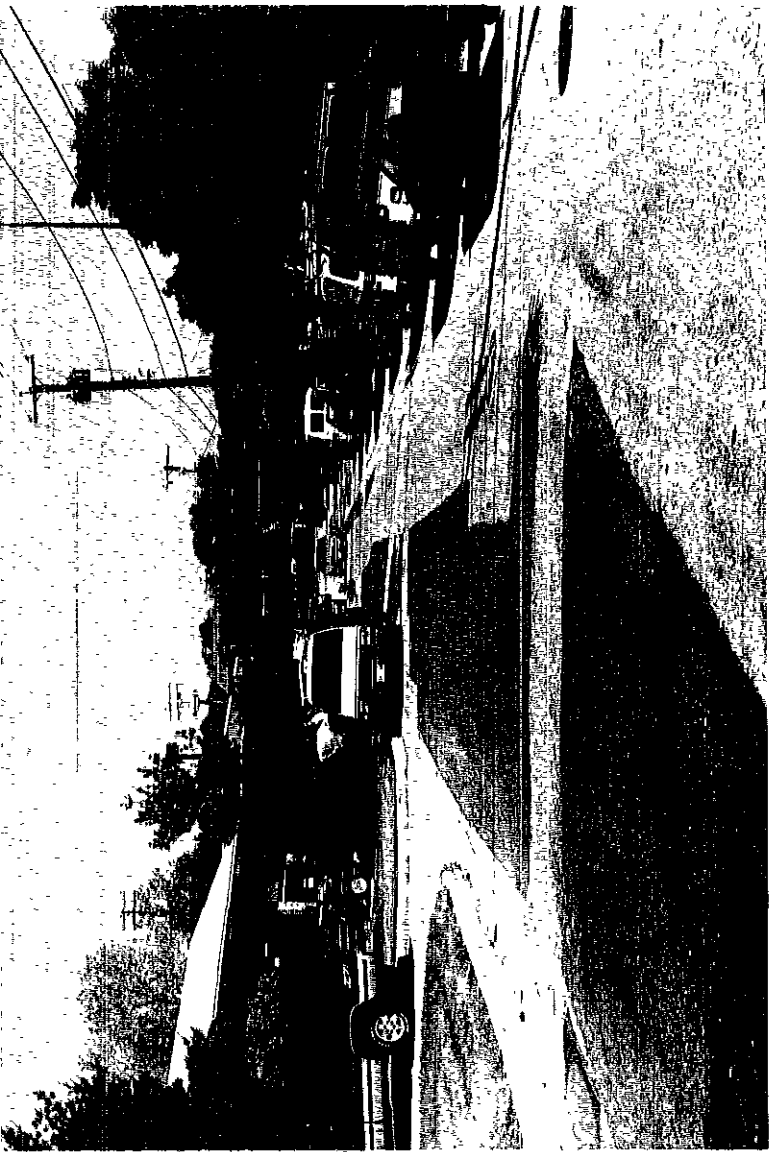
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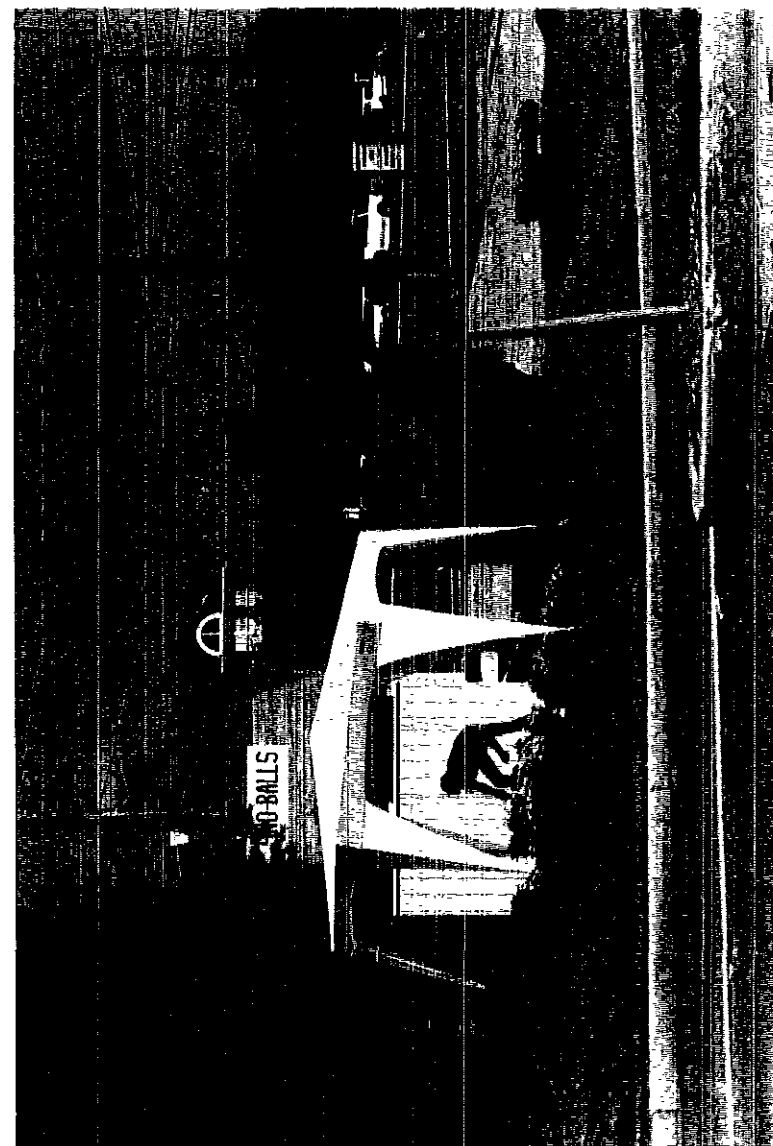
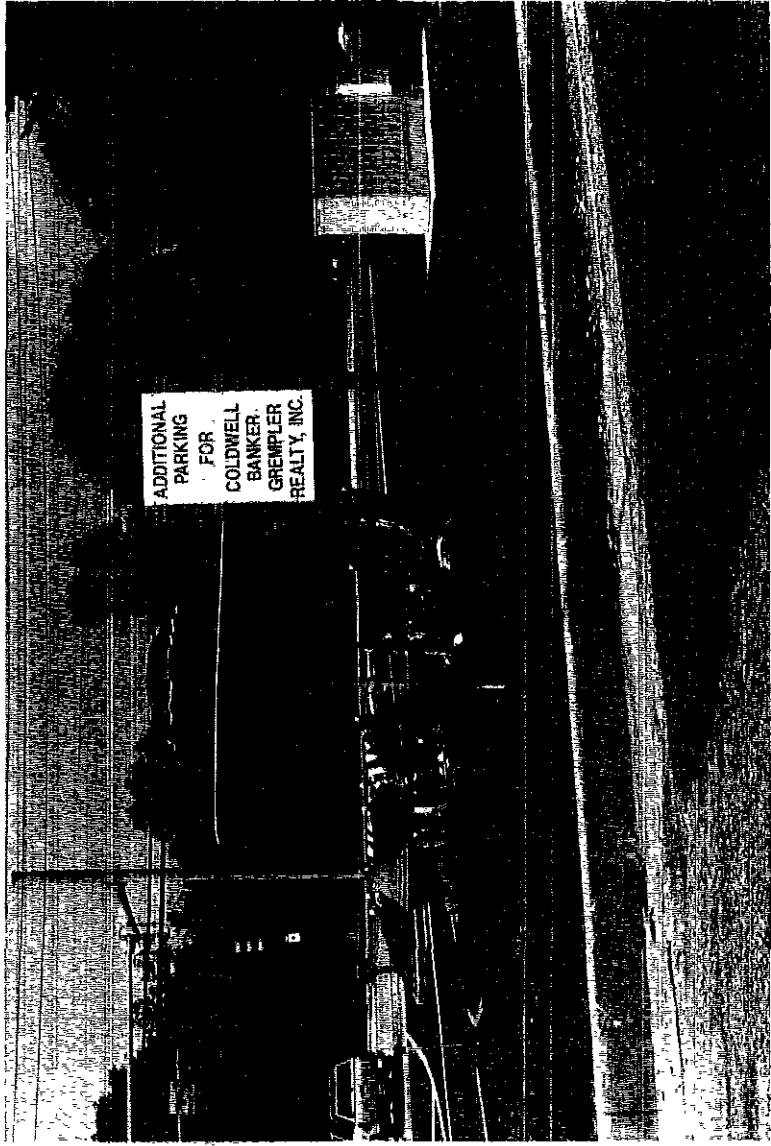
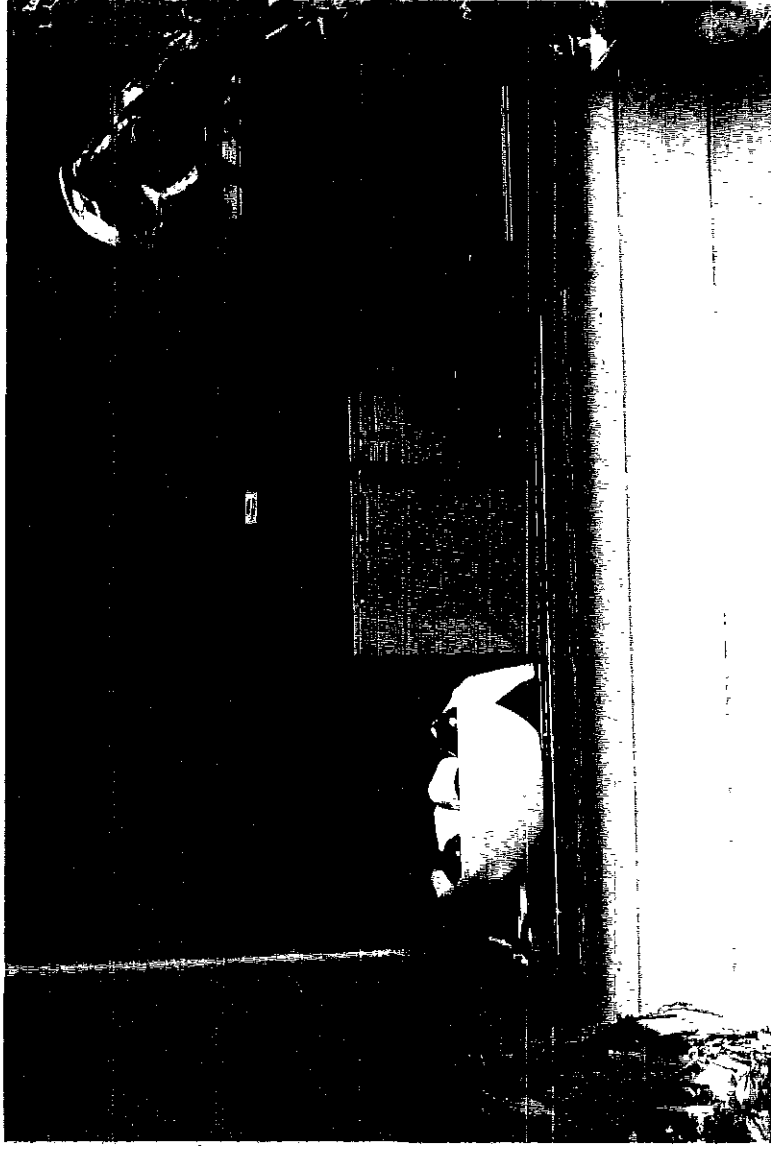
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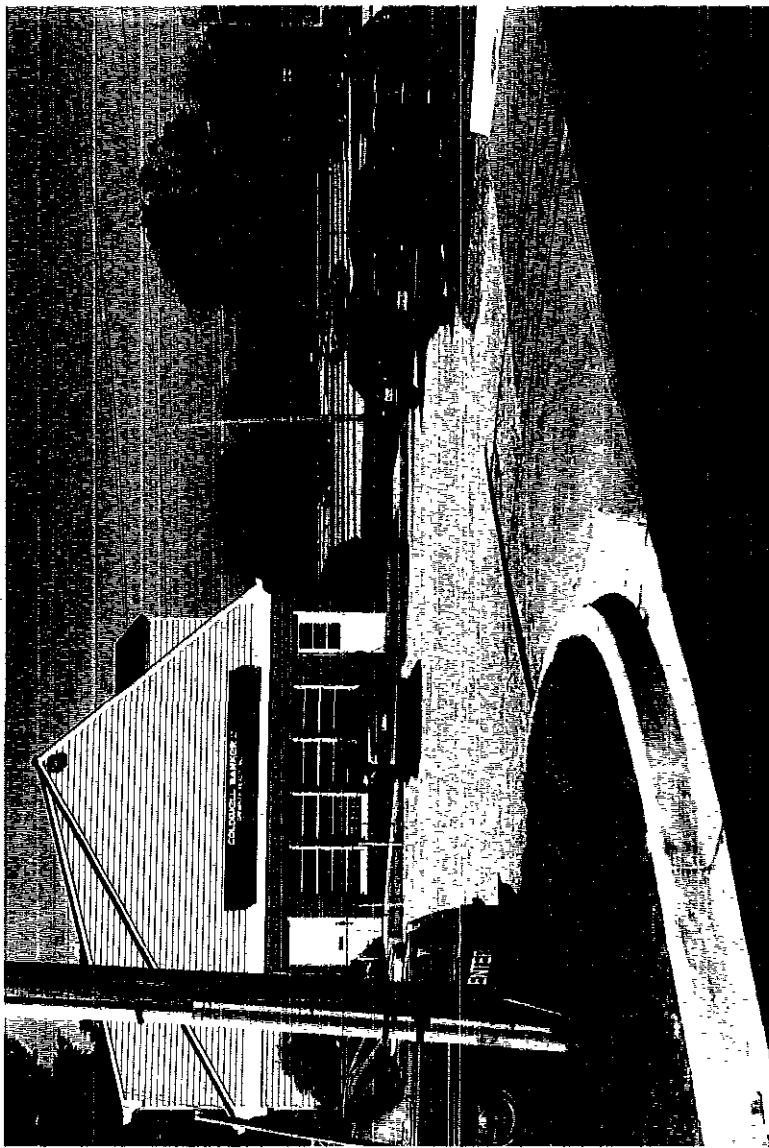
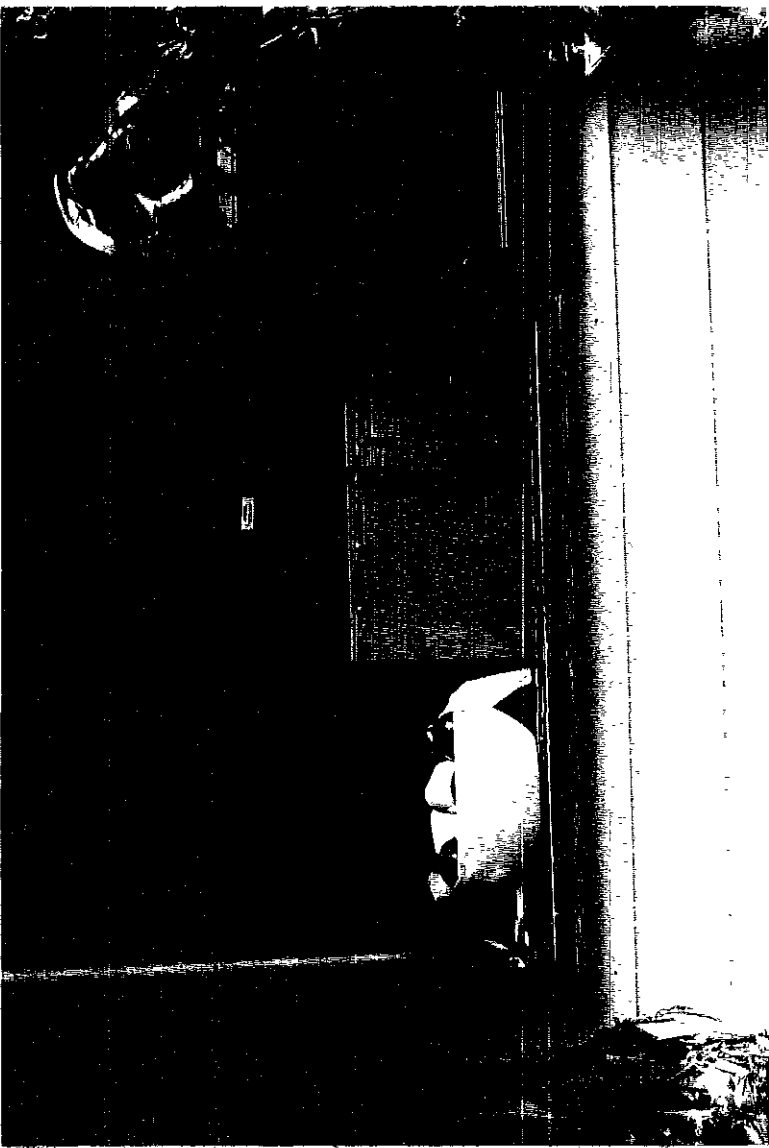
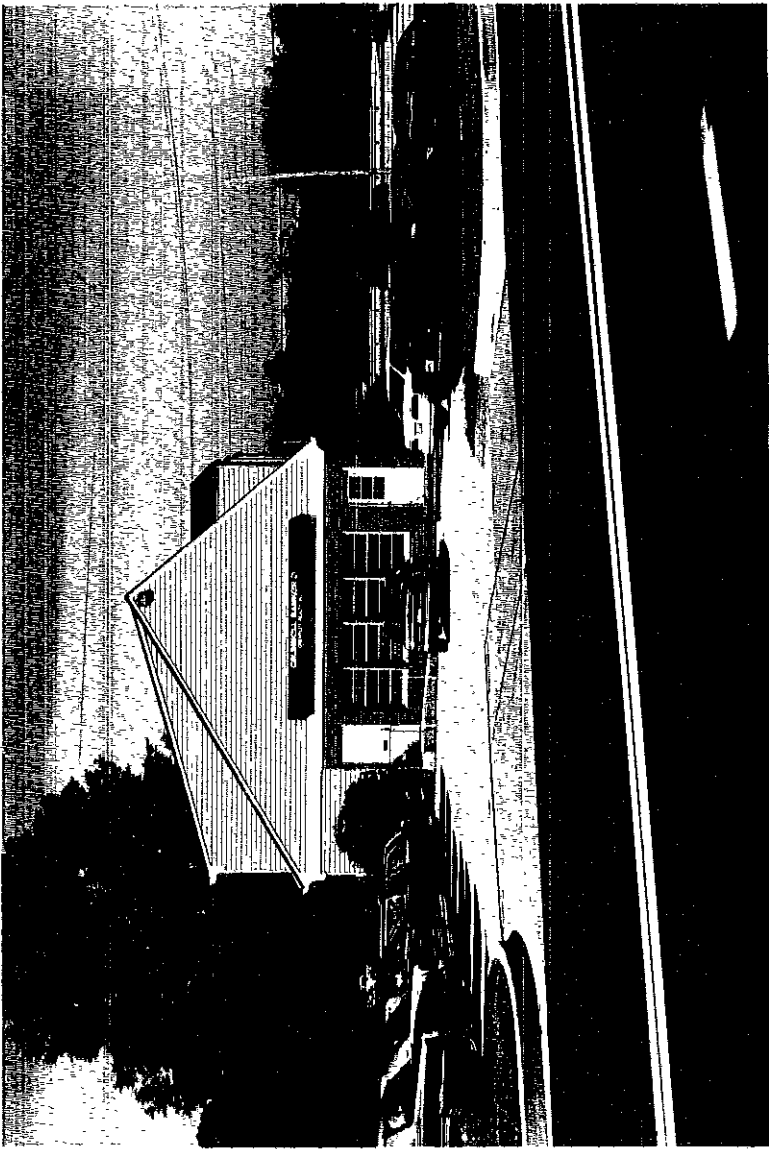
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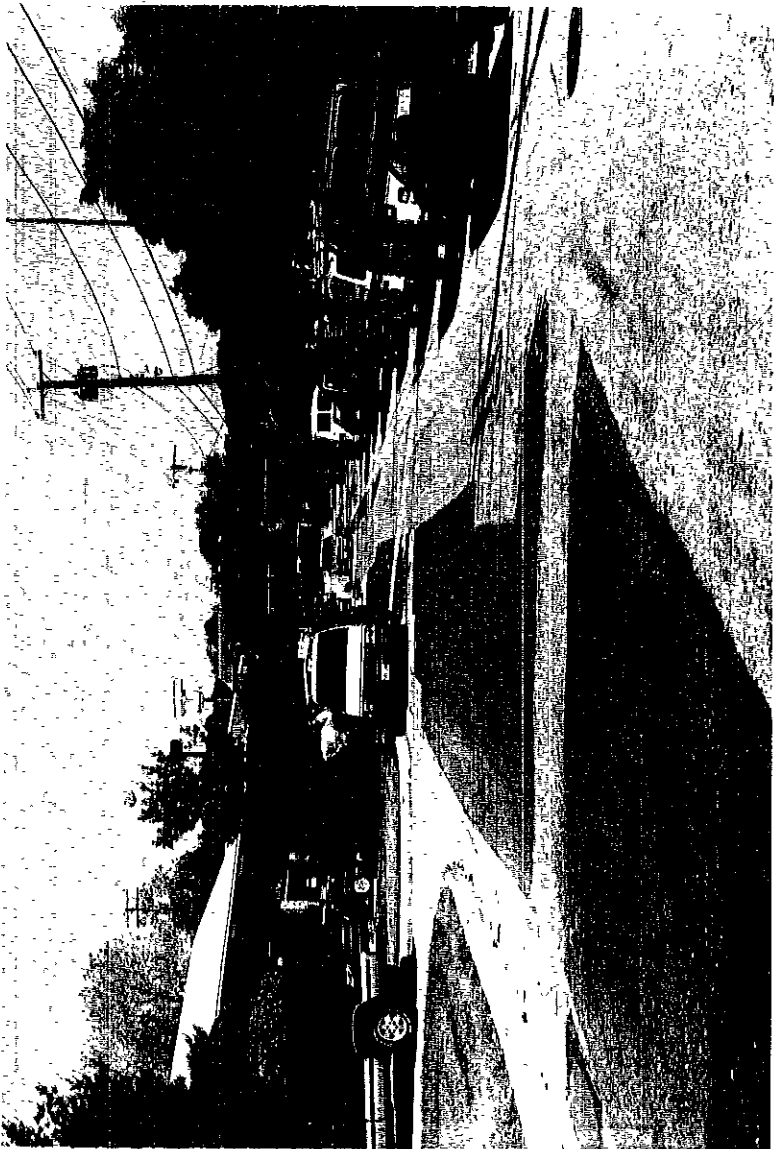
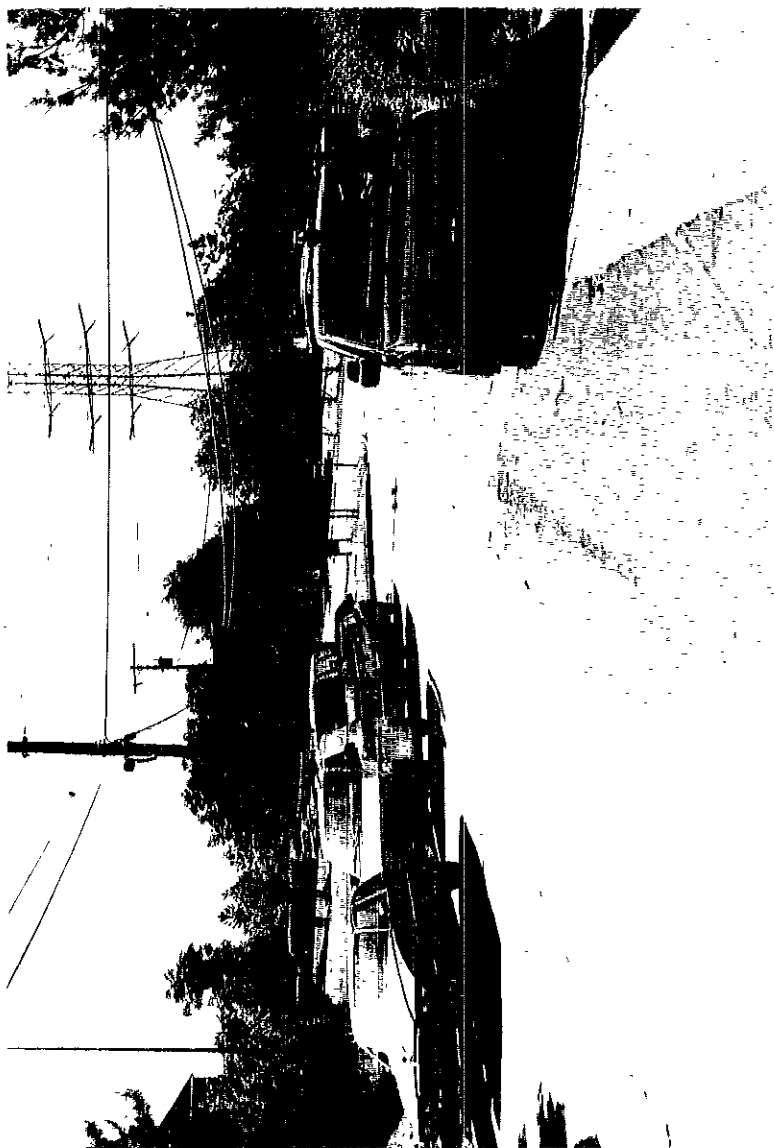
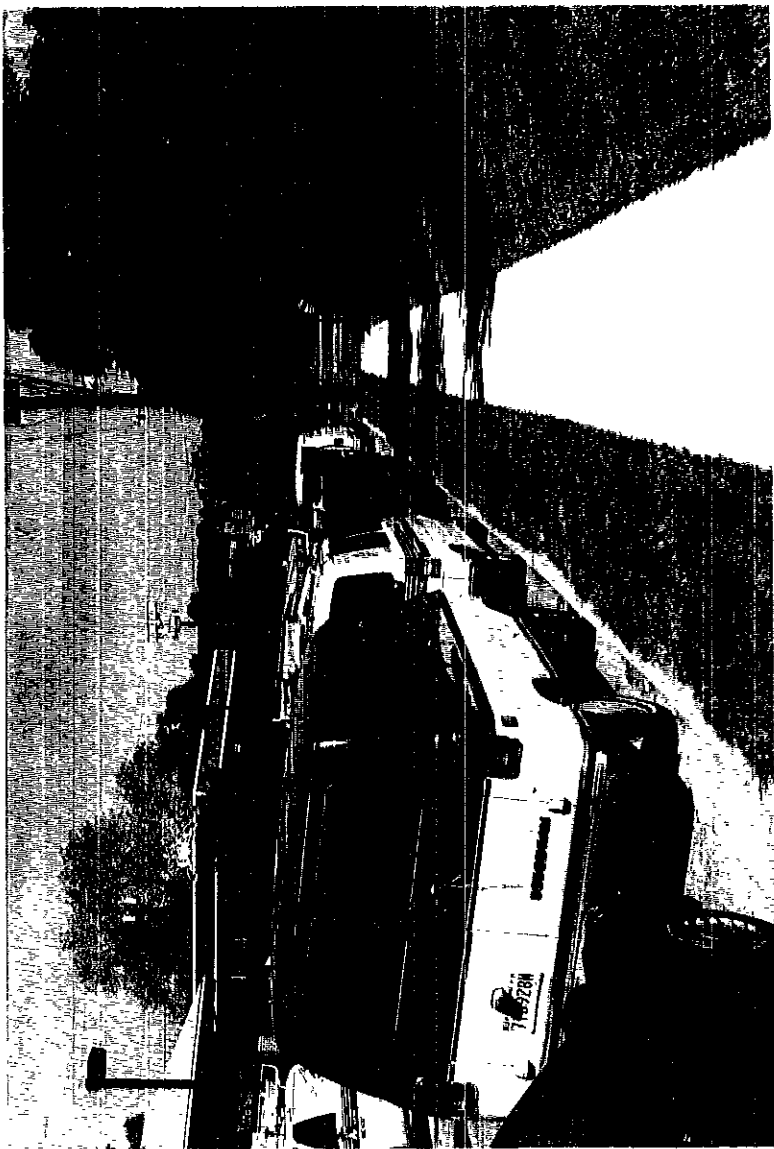
SHT.







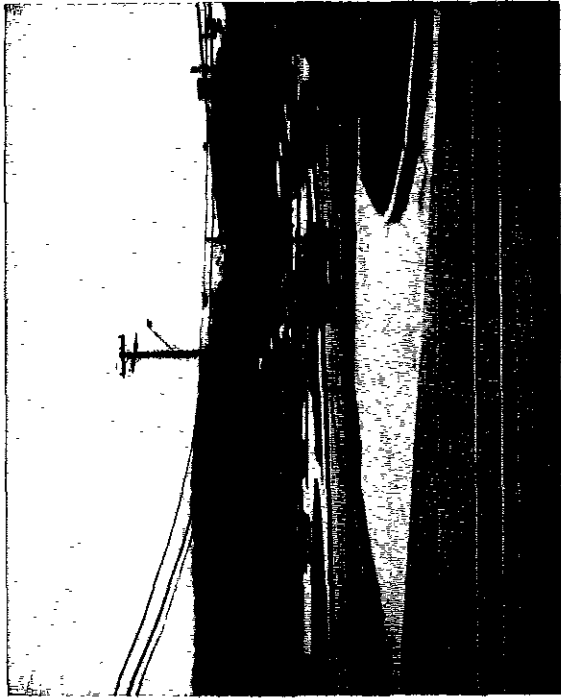




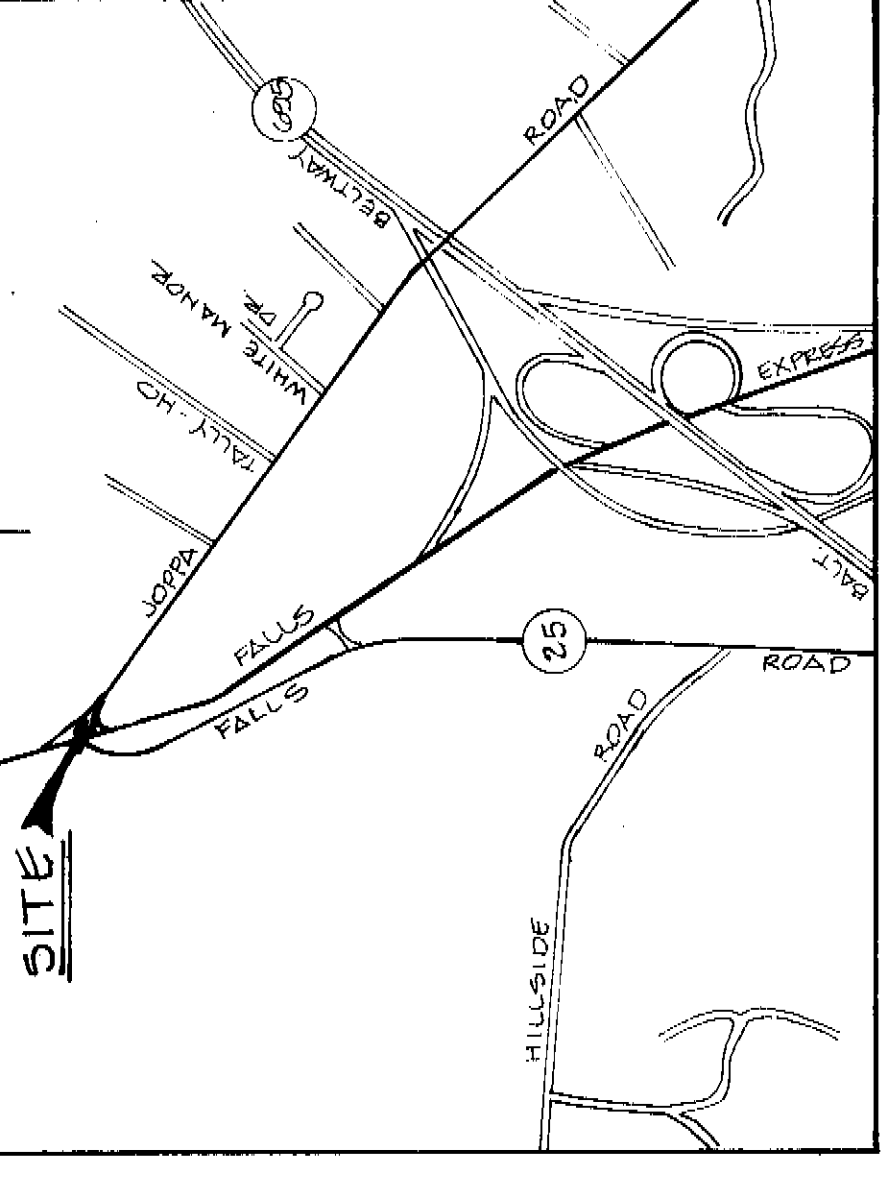
pld 2c

pld 2b

pld 2A



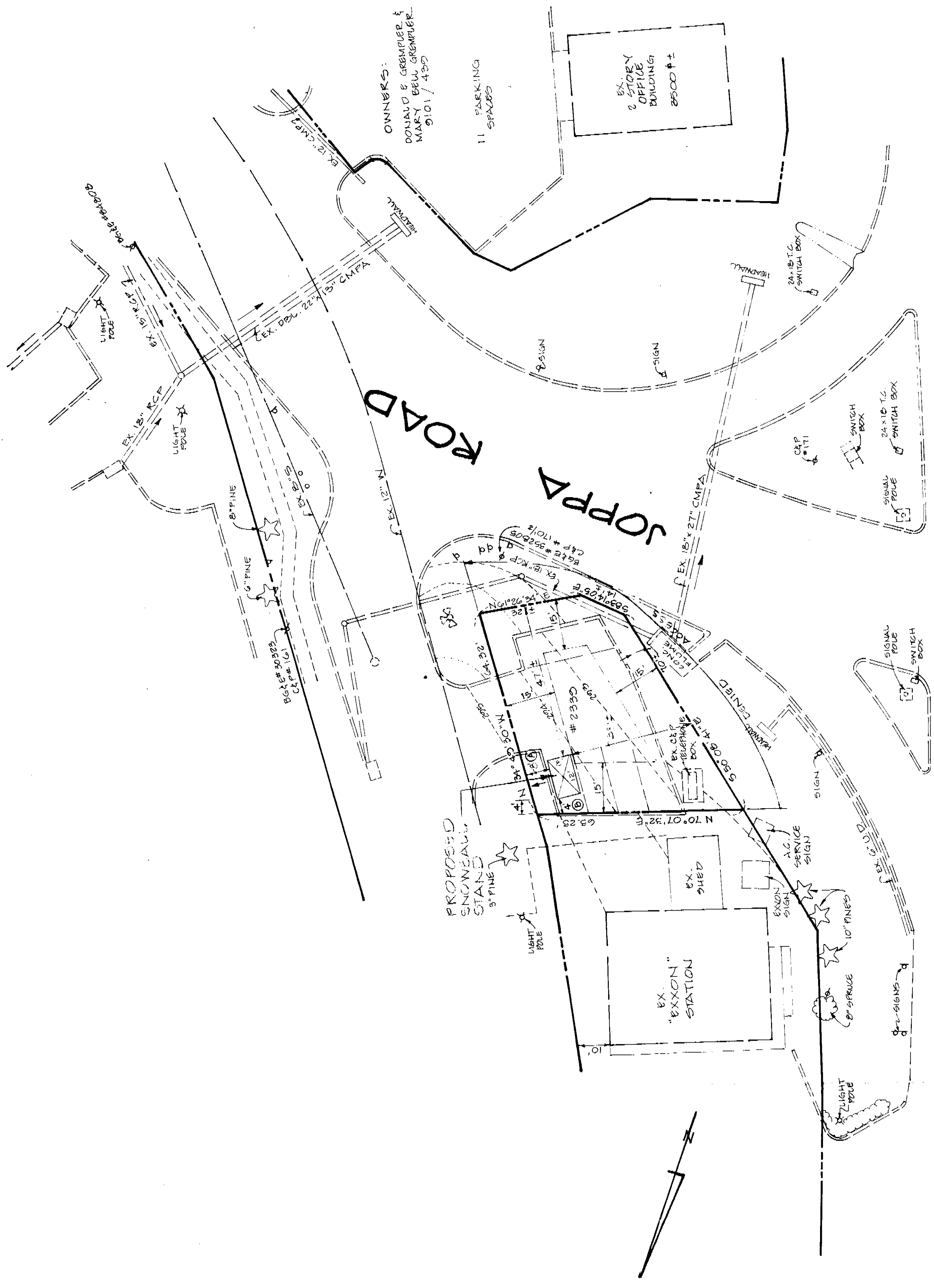
5-387-A



VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES

- 1. PROPERTY ZONED: BU-CK
- 2. ELECTION DISTRICT: B; COUNCILMANIC DISTRICT: 3
- 3. ZONING MAP: N.W. 18-C
- 4. LOT SIZE: 0.078AC ± OR 3,328 S.F. ±
- 5. PRIOR ZONING HEARINGS: NONE
- 6. PARKING DATA:
 - PARKING REQUIRED: 11 SPACES
 - PARKING PROVIDED: 15 SPACES
 - TYPICAL SPACES: 8.5' x 18'
 - PAVING TYPE: BITUMINOUS CONCRETE SURFACE
- 7. DEED REFERENCE: 9101/420
- 8. FLOOR AREA RATIO CALCULATION: $91/3328 = 0.03$
- 9. AMENITY OPEN SPACE: NOT REQUIRED
- 10. SEWER, PUBLIC WATER
- 11. VARIANCES REQUESTED:
 - (A) REAR SECTION 259.3C2. FRONT YARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 15 FEET. THE SETBACK OF ADJACENT BUILDING IS 10 FEET.
 - (B) REAR SECTION 259.3C2. SIDE YARD SETBACK OF 4 FEET IN LIEU OF THE REQUIRED 15 FEET.
 - (C) REAR SECTION 259.3C3a & b - LANDSCAPING REQUIREMENTS NOT TO BE REQUIRED



JONES FALLS EXPRESSWAY

(S.R.C. PLAT NO. 52884)

APPROVALS

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Patton Consultants, Ltd.
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SITE PLANNERS • ENGINEERS
LAND DEVELOPMENT CONSULTANTS

SITE PLAN TO ACCOMPANY
VARIANCE PETITION AND
USE PERMIT FOR A
TEMPORARY SNOWBALL STAND

SCALE
1"=20'

PROJ. NO.
95007